DETAILED ACTION

1.   This communication is responsive to the Amendment filed 12/13/2010.

2.   Claims 1-7 and 18-27 are pending in this application. Claims 1 and 25 are

independent claims. In the instant Amendment, claims 25 and 26 were amended. This

is a Non-Final action on the RCE filed 12/13/2010.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-7 and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mercer et al ("Mercer", US7043477) in view of Ward (US 6526411) in further view

of Kaiser et al ("Kaiser" US 2002/0019858).

Regarding claim 1, Mercer discloses a device for playback of multimedia files,

including means for changing a sorting order and/or a playback order of a plurality of

multimedia files from a current sort order and/or a current playback order to a new

sorting and/or new playback order, wherein upon changing the sorting order and/or the

playback order of the multimedia files the currently selected multimedia file is kept and

the new sorting order and/or playback order is determined by at least one property of

the currently selected multimedia file, and wherein the means for changing the sorting

order and/or the playback order include a button (see figs 7 and 11 where the user

interface is shown) for changing the order by running through a predefined sequence of properties of the currently selected multimedia file (see col. 5, lines 22-36 where shuffling and repeating play lists is discussed).

While Mercer discloses changing the sorting order of a current playlist to create a new playback order, Mercer does not explicitly disclose changing the sorting order includes one or more multi-media files that are not included in the current sorting order and/or the current playback order. However, Ward discloses a method for creating a dynamic playlist that allows playlist items to be dynamically added to or subtracted from a current playlist (see col. 1, lines 43-53; col. 2, lines 61-67; and col. 4, lines 25-66). It would have been obvious to an artisan at the time of the invention to modify Mercer's user interface by including Ward's teachings in an effort to allow users to automatically have their playlists updated with new content (see col. 4, lines 50-58).

The modified Mercer does not expressly disclose the currently selected multimedia file is maintained as the currently selected multimedia file upon changing the sorting order. However, Kaiser discloses adjusting a playlist while listening to a particular song (see paragraph [0051]). It would have been obvious to an artisan at the time of the invention to include Kaiser's teachings in the modified Mercer's user interface in an effort to enhance a user's listening experience by allowing user to customize the playlist.

Regarding claim 2, Mercer discloses including means for giving a feedback of the sorting order and/or the playback order (see col. 5, lines 22-36 where viewing play lists is discussed).

Regarding claim 3, Mercer discloses the means for giving a feedback of the

sorting order and/or the playback order give an acoustical feedback (see col. 5, lines

22-36 where audio is discussed).

Regarding claim 4, Mercer discloses the means for giving a feedback of the

sorting order and/or the playback order give an optical feedback (see col. 5, lines 22-36

where the image sequence is discussed).

Regarding claim 5, Mercer discloses the means for giving a feedback of the

sorting order and/or the playback order include a display (see fig 10, #188).

Regarding claim 6, Mercer discloses the display displays information about at

least one multimedia file of the plurality of multimedia files (see col. 9, lines 9-32 where

the display of title, author, song, etc is discussed).

Regarding claim 7, Mercer discloses the display displays information about at

least two multimedia files of the plurality of multimedia files, and wherein means are

provided for marking a currently selected multimedia file (see col. 9, lines 9-32 where

the display of title, author, song, etc is discussed; also col. 19, lines 49 to col. 20, line 6).

Regarding claims 18-20, Mercer does not explicitly disclose the means for

changing the sorting order and/or the playback order of the currently selected

multimedia file. However, Official Notice is taken that the use of a specific button or

multiple buttons for rearranging the playback order of a multimedia file is well known in

the art. It would have been obvious to an artisan at the time of the invention to include

any variation of such a feature with Mercer's multimedia player as a matter of design

choice.

Regarding claim 21, Mercer discloses the properties of the multimedia files used for determining the sorting order and/or the playback order are user-definable (see col. 20, lines 7-41 where user selection is discussed).

Regarding claim 22, Mercer discloses the properties of the multimedia files used for determining the sorting order and/or the playback order are included in the multimedia files (see col. 9, lines 9-32 where the display of title, author, song, etc is discussed).

Regarding claim 23, Mercer discloses the properties of the multimedia files used for determining the sorting order and/or the playback order are stored in the device for playback of multimedia files (see col. 20, lines 7-41 where the music library is discussed).

Regarding claim 24, Mercer discloses the properties of the multimedia files used for determining the order include at least one of artist, album, genre, release year, number of accesses, last access, creation date, length, and weighting (see col. 9, lines 9-32 where the display of title, author, song, etc is discussed; also col. 19, lines 49 to col. 20, line 6).

Regarding claim 25, Mercer discloses a method for creating a playback order for a multimedia device for playing back multimedia files, the method comprising the steps of:

playing back a multimedia file on said device (see col. 4, lines 1-27 where multimedia playback software and devices are discussed);

creating a first playback order of a first plurality of multimedia files from a library

of multimedia files in response to a first user activated command and a first property of

said multimedia file being played back (see fig 3 where "GROUP 1" "GROUP 2" and

"GROUP 3" play lists are shown; also see col. 5, line 64 to col. 6, line 21 where it is

discussed that a play list can be grouped by album, artist, genre or date); and

creating a second playback order of a second plurality of multimedia files from a

library of multimedia files in response to a second user activated command and a

second property of said multimedia file being played back where said second property is

different from said first property, and said second plurality of multimedia files contains at

least one multimedia file which is different from the multimedia files in said first plurality

of multimedia files (see fig 3 where "GROUP 1" "GROUP 2" and "GROUP 3" play lists

are shown; also see col. 5, line 64 to col. 6, line 21 where it is discussed that a play list

can be grouped by album, artist, genre or date; Examiner notes that it is possible that

each of GROUP 1, GROUP 2 and GROUP 3 could contain different multimedia files if

user creates a play list where all songs are grouped by artist or another play list where

all images are grouped by month).

The modified Mercer does not expressly disclose play back of the multimedia file

continues after creation of the second playback order. However, Kaiser discloses

adjusting a playlist while listening to a particular song (see paragraph [0051]). It would

have been obvious to an artisan at the time of the invention to include Kaiser's

teachings in the modified Mercer's user interface in an effort to enhance a user's

listening experience by allowing user to customize the playlist.

Regarding claim 26, Mercer discloses said first and second properties are selected from a plurality of properties (see col. 5, line 64 to col. 6, line 21 where it is discussed that a play list can be grouped by album, artist, genre or date) and an order of properties in said plurality of properties is predefined so that the selection of said property will come before the selection of said second property (see col. 6, lines 14-21 where sequential navigation of a group is discussed).

Regarding claim 27, Mercer discloses the selection of said second property will come before said first property in the order of said properties only if a user selects a reverse order option (see col. 6, lines 14-21 where sequential navigation- "forward and backward"- of a group is discussed).

Response to Arguments

5.   Applicant's arguments with respect to claims 1 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is (571)272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/RASHAWN TILLERY/
Examiner, Art Unit 2174